

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3107 OF 2004

WITH

NOTICE OF MOTION NO.3128 OF 2004

IN

SUIT NO.3036 OF 2004

Chandulal Jamnadas Bhagat	...Plaintiff
Vs.	
Rasiklal Jayantilal Valia	...Defendant

Mr.G.V.Pandya for Plaintiff

CORAM: D.G. DESHPANDE, J.
DATED: 24TH NOVEMBER, 2004

P.C.

. Heard Advocate for the Plaintiff. On 20th October, 2004 the Defendant made a statement that he had parted with the possession of the suit premises. The statement was recorded by the Court and he was directed to file an affidavit in reply within two weeks. Thereafter, the Plaintiff took out another Notice of Motion No.3128 of 2004 for appointment of Commissioner to verify the aforesaid fact. The Commissioner has filed his report. Commissioner noted that the Defendant's married daughter, Doctor brought the keys of the flat thereafter the premises was inspected by the Commissioner. This shows that the possession of the suit flat was with the Defendant on the date when the Commissioner visited the suit flat and the statement of the Defendant recorded by this Court on 20th October, 2004 was not correct. Further

no reply is filed to this Motion by the Defendant. Nobody is present for the Defendant. There will be order in terms of prayer clause (b) of the Motion. Prayer clause (a) is not pressed by the Plaintiff. Therefore, this Motion No.3107 of 2004 is disposed of and Motion No.3128 of 2004 for Commissioner also does not survive.

. Commissioner's cost of Rs.1500/- to be deposited or directly given to the Commissioner by the Plaintiff within two weeks from today.
